

REMARKS/ARGUMENTS

Favorable reconsideration of this application is requested in view of the following remarks/arguments.

DISPOSITION OF CLAIMS

Claims 36, 39, and 43-48 are pending in this application.

REJECTIONS UNDER 35 U.S.C. §103

Claims 36, 39, and 43-48 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wong et al. (U.S. Patent No. 5667804) in view of Sumitomo Chem. Co. LTD (EP 0088556). This rejection is respectfully traversed.

Claim 36 recites a system for fabricating an active agent dosage form for the prolonged delivery of the active agent which comprises a source of blanks, each blank comprising an active agent and a groove circumscribing an external surface of the blank, and a forming means which engages the groove and aligns the blank for forming a band in the groove.

The Examiner asserts that Wong et al. teach a forming means for forming bands onto a dosage form and a Tait Capsealer machine for forming bands. The Examiner asserts that the specification of the instant application teach that the Tait Capsealer will align the groove circumscribed on the blank to form bands within the grooves. The Examiner further asserts that printing wheels and transport mechanisms are taught in the instant application. In making rejections based on Wong et al., the Examiner assumes that the Tait Capsealer machine disclosed in Wong et al. is identical to the Tait Capsealer machine disclosed in the instant application. However, this assumption is not supportable based on the disclosure of Wong et al. and the disclosure of the instant application.

In the response dated November 28, 2005, applicant noted that Tait Capsealer machines are typically acquired and modified to form specific types of dosage forms. Applicant also noted that the Tait Capsealer machine in the instant application is modified such that uniform bands can be formed in grooves in blanks. Page 26, lines 25-28 of the specification of the instant application reads as follows: [t]he capsules are fed into a Tait Capsealer machine, modified as

described herein, where the rotating printing wheels engage the grooves and align the blank for the printing operation.”

Wong et al. do not teach forming bands in grooves in blanks. Correspondingly, Wong et al. do not teach modifying a Tait Capscaler machine to include forming means that engage grooves in a blank and align the blank for a printing operation. The Examiner has imported the modification of the Tait Capscaler machine taught in the instant application into Wong et al. in order to reject claim 36 of the instant application. This is improper. Further, using the tablets with impressed valley portions disclosed in Sumitomo Chem. Co. LTD with the Tait Capscaler machine of Wong et al., as suggested by the Examiner, would not overcome the deficiency in Wong et al.

From the above, claim 36 is patentable over Wong et al. in combination with Sumitomo Chem. Co. LTD. Withdrawal of the rejection of claim 36 is respectfully requested. Claims 39 and 43-48, being dependent from claim 36, are likewise patentable in view of the foregoing arguments.

CONCLUSION

Applicant believes that this paper is fully responsive to the Office Action dated April 11, 2006, and respectfully requests that a timely Notice of Allowance be issued in this case.

Please apply any charges not covered or credits in connection with this filing to Deposit Account No. 50-3202 (ref. ARC 2813 D1 N1).

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Respectfully submitted,

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